

In the Abstract of the Disclosure

On lines 10-11, and 20-21, please change "is authentic" to --is an authorized user--; and

On lines 11 and 21, please change "found authentic" to --determined to be an authorized user--.

REMARKS

Claims 1-12 are pending in this application. The Examiner rejected claims 1-9 under 35 U.S.C. § 103 as being anticipated by Lawrence Berardinis (August 1996) and further in view of Schneier (1995). The Examiner mentioned other references, but did not rely upon them in forming rejections. The Examiner also maintained a prior art objection to Figure 1.

The Examiner's rejections and objection are traversed in part, for reasons including those stated in detail below. However, claims 1-9 have been amended to more clearly recite features which distinguish the presently-claimed invention over the references relied upon by the Examiner. Claims 10-12 have been added. In addition, the specification and abstract of the disclosure have been amended, and drawing amendments have been proposed, to correct typographical errors and to refine punctuation, grammar, spelling, syntax and usage. These amendments are supported by the specification, claims, abstract of the disclosure and the drawings as originally filed, and no new matter has been added. It is respectfully submitted that these amendments place all claims in condition for allowance.

Drawing Objections; Responsive Argument

The Examiner stated that the application having been allowed, formal drawings are required in response to the pending Office action. This requirement is respectfully traversed. The Examiner has yet to allow a single claim in this application. Until the application is allowed, no formal drawings are required.

The Examiner asserted that the prior art objection to Figure 1 is maintained. The Examiner asked Applicant to point out what is novel or new in Figure 1. This objection is respectfully traversed. Figure 1 is not intended to represent prior art, but is a schematic representation of one embodiment of the present invention, as described on page 17, line 15, through page 18, line 9 of the specification.

Claim Rejections Under 35 USC § 103; Responsive Amendments and Argument

The Examiner stated that claims 1-9 remain rejected under 35 U.S.C. § 103 as being anticipated by Lawrence Berardinis (August 1996) and further in view of Schneier (1995) as previously applied and as addressed below.

The Examiner's Rejections

The Examiner stated that in claim 1 Applicant recites a remote controlled receiving apparatus transmitting through a network which transmits encrypted certification information to a processor (apparatus has a means extracting, decrypting and storing control commands) to control an electronic device.

The Examiner asserted that in his article Appliance On-line, Berardinis teaches about washer, dryers, air conditioning and refrigerators getting on the information superhighway (*i.e.*, the Internet, page 72).

The Examiner stated that linked by digital networks, these intelligent objects will form what Hawley (machine Design, March 1995)"the global, digital fabric" (page 73, column 1). The Examiner asserted that besides setting their own clocks, tomorrow's appliances will perform other mundane chores like paying the utility bills, scheduling repairs, and ordering food, detergent, and household necessities from online cybermarkets. (Page 73, column 1). The Examiner maintained that by the year 2000, 22% of all Internet-access devices will be machines other than PC's and that this is sure to include smart household appliances. (Page 78, column 2).

The Examiner admitted that Berardinis does not mention the use of E-mail as the particular link of the appliances with the outside world, but the Examiner asserted that Berardinis does say that house owner will have over-ride capability (page 78, column 2). The Examiner stated that control messages that would enable appliances to interlink with the cybermarket or in turn for the homeowner to over-ride pre-existing commands and institute new commands would have to be by E-mail or ftp, and because of the ease, E-mail would be the user-friendly choice.

The Examiner also admitted that Berardinis is also silent on the use of cryptology in his article, but stated that Schneier (Applied Cryptology) teaches the application of cryptology to communication such as the Internet. The Examiner asserted that one of average skill in the art of remote control or telemetry would be aware of the problems of sending instructions over the Internet to one's house to control certain appliances. The Examiner stated that the Internet is

susceptible to many different attacks by hackers and other malicious people and concluded that encryption would be a prudent precaution.

The Examiner rejected claim 1 based on the foregoing assertions and made parallel assertions regarding the other independent claims (5-9).

Responsive Arguments and Amendments

The Examiner's rejections are respectfully traversed. Neither Berardinis nor Schneier (as understood), whether alone or in combination, teach, suggest or indicate a receiving apparatus as recited in claim 1.

The Examiner has admitted that Berardinis does not disclose the use of electronic mail, but suggests that the "override" feature discussed in Berardinis "would have to be by E-mail or ftp." This statement is respectfully traversed. The quotation is as follows: "Although homeowners can override the system, the goal is to let electric companies control appliances as much as possible via Ameritech communication channels." Nothing in this statement, or in the related discussion, suggests that the homeowners would use e-mail to control their washing machines, dryers, etc. The clear implication is that homeowners have the option of controlling their appliances as they have in the past, *i.e.*, by hand.

In suggesting that the homeowners would control their appliances via e-mail, the Examiner has engaged in hindsight reasoning, in the light of the disclosure of the present application. To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome, wherein that which only the inventor

taught is used against its teacher. (See, e.g., In re Rouffet, 149 F.3d 1350, 1357-59 (Fed. Cir. 1998) (Reversing the Board's determination of obviousness where the Federal Circuit inferred that the Examiner selected references with the assistance of hindsight)).

Because the references relied upon do not teach, suggest or indicate controlling appliances by e-mail, it could not be obvious to control appliances via **encrypted** e-mail containing certification information and a control command.

Without waiving the foregoing objections, Applicant's attorney has amended claim 1 to further distinguish the art relied upon by the Examiner, as follows:

[a] second extracting means for extracting a control command inserted in said electronic mail received by said receiving means for controlling a predetermined electric device, wherein said control command is selected by a user of said predetermined electric device and indicates a manner in which said predetermined electric device will operate after said predetermined electric device is activated;

Parallel amendments have been made to independent claims 5-9, and parallel recitals are included in new independent claims 11 and 12.

Berardinis teaches smart appliances which can pay utility bills, schedule repairs, etc. (p. 73) Berardinis also discloses the previously-discussed Ameritech system which allows utilities to remotely turn appliances on or off in order to optimize power distribution. (pp. 72 and 78-79.)

However, Berardinis (as understood) does not teach, suggest or indicate an apparatus or method whereby a **user** may control a **manner of operation** of a predetermined electric device (e.g., programming a recording device to record a particular channel at a

particular time, as disclosed in the present application) via encrypted e-mail.

It is respectfully submitted that claims 1 and 5-9 were patentable over the references relied upon by the Examiner even *without* such amendments, based on the foregoing discussion regarding the lack of disclosure of e-mail control in Berardinis. However, even if the Examiner does not accept the e-mail arguments, it is respectfully submitted that these amendments and new recitals make claims 1, 5-9 and new claims 11-12 clearly patentable over the art relied upon by the Examiner. Therefore, claims 2-4 and 10 are patentable as dependent from claim 1.

Conclusion

In view of the above, it is respectfully submitted that the application is now in condition for allowance. The Examiner's further examination and consideration are therefore respectfully requested.

Respectfully submitted,

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FIG. 10

approved
JWS
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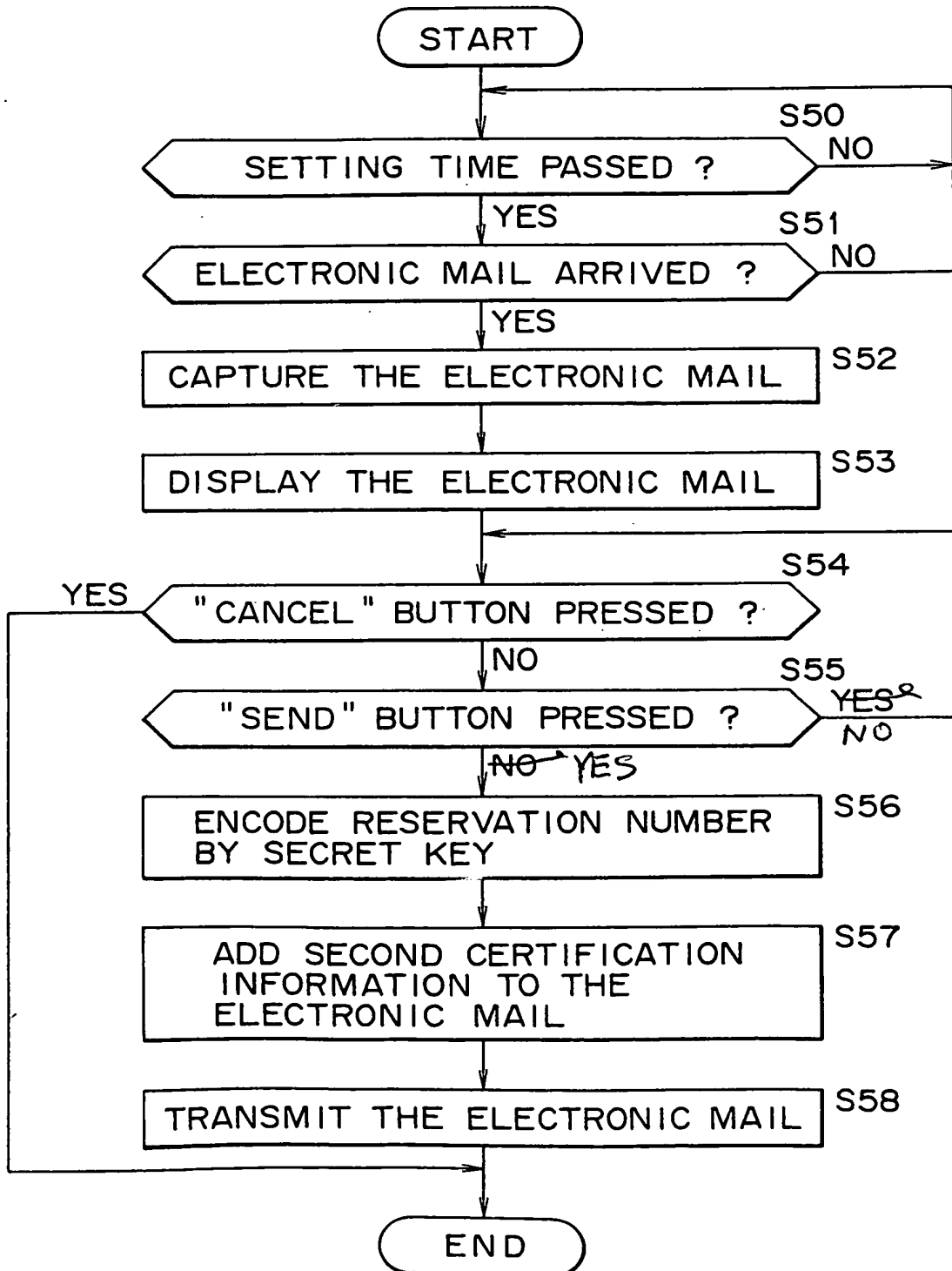


FIG. 13B

